

Message

---

**From:** Calli, Rosemary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E17C62EB477B48CFA42C0CEDD631C005-HALL, ROSEMARY]  
**Sent:** 9/26/2018 11:39:09 PM  
**To:** Laycock, Kelly [Laycock.Kelly@epa.gov]  
**Subject:** RE: Round 3 commenting: mitigation

Yes, this definitely warrants orientation. Essentially, we're reviewing Florida's draft rule to set up their state 404 program (at least the components not already covered by their state Environmental Resource Permitting (ERP) program, and some elements to say that for the state 404 program, it's different). The two fundamental elements are consistency and stringency re: the federal requirements. Perhaps if you have a part of the 404(b)(1) Guidelines you're particularly familiar with, you could take a look at how their rule matches up using the crosswalk they provided. It's walks through federal requirements on the left (404(b)(1) Guidelines, then the assumption regs from 40 CFR Part 233), comparing state requirements on the right.

Documents referenced include:

62-331 (draft rule for the state 404 program)

62-330 (rule already on the books that largely covers the existing state ERP program)

Forms relevant for each

Applicant's 404 Handbook (sometimes just "Handbook")

ERP Applicant's Handbook (often just "Volume I" re: the most relevant component)

But really, jumping in to this particular review right now may not be terribly productive because you need some background/context and this rule review has a short fuse. How short? We don't actually know. Tom is working on getting some guidance on whether we need to send comments up the chain by noon tomorrow, COB...not sure.

So, I'm flexiplacing again tomorrow, but just have a late afternoon meeting. I'll send an invitation, but I'm totally flexible past 2, so if I get too close to lunch or something feel free to counter.

---

**From:** Laycock, Kelly  
**Sent:** Wednesday, September 26, 2018 6:18 PM  
**To:** Calli, Rosemary <Calli.Rosemary@epa.gov>  
**Subject:** RE: Round 3 commenting: mitigation

Rosemary,

Dropping in at the middle of the process like this, I'm not sure exactly which documents and which versions of those documents to start review. Maybe in your upload to me tomorrow you could point out priorities for me?

As for us meeting, just let me know what works for you. Ex. 6 Personal Privacy (PP)  
tomorrow so just before or after lunch works best for me but I'm willing to pick up a couple credit hours if you need to meet later in the day.

Thanks,  
Kelly Laycock  
Wetlands Regulatory Section  
U.S. Environmental Protection Agency  
61 Forsyth St.  
Atlanta GA, 30303

---

**From:** Calli, Rosemary

**Sent:** Wednesday, September 26, 2018 6:12 PM

**To:** Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Hurl, Kathy <[Hurl.Kathy@epa.gov](mailto:Hurl.Kathy@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; Mancusi-Ungaro, Philip <[Mancusi-Ungaro.Philip@epa.gov](mailto:Mancusi-Ungaro.Philip@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Parker, Christopher <[Parker.Christopher@epa.gov](mailto:Parker.Christopher@epa.gov)>; Purify, Johnnie <[Purify.Johnnie@epa.gov](mailto:Purify.Johnnie@epa.gov)>; Speir, Jeffrey <[speir.jeffrey@epa.gov](mailto:speir.jeffrey@epa.gov)>

**Subject:** Round 3 commenting: mitigation

Hi, folks – For our push to get through reviewing FDEP’s “pre-review” rule and related materials, I started more or less from the bottom of the crosswalk and have reviewed the ~50 pages on mitigation. I have the following four comments that I’m going ahead and sharing so we can compare notes or discuss before elevating.

~ Rosemary

**Ex. 5 AC/DP**

## **Ex. 5 AC/DP**